

REPORTERS COMMITTEE

FOR FREEDOM OF THE PRESS

1156 15th Street NW, Suite 1020
Washington, DC 20005
(202) 795-9300 | www.rcfp.org
Bruce D. Brown, Executive Director

STEERING COMMITTEE

STEPHEN J. ADLER
Reuters
J. SCOTT APPLEWHITE
The Associated Press
WOLF BLITZER
CNN
DAVID BOARDMAN
Temple University
MASSIMO CALABRESI
Time Magazine
MANNY GARCIA
ProPublica
EMILIO GARCIA-RUIZ
The Washington Post
JOSH GERSTEIN
Politico
ALEX GIBNEY
Jigsaw Productions
SUSAN GOLDBERG
National Geographic
JAMES GRIMALDI
The Wall Street Journal
LAURA HANDMAN
Davis Wright Tremaine
DIEGO IBARGÜEN
Hearst
KAREN KAISER
The Associated Press
DAVID LAUTER
Los Angeles Times
DAHLIA LITHWICK
Slate
MARGARET LOW
WBUR
JANE MAYER
The New Yorker
COLLEEN MCCAIN NELSON
The McClatchy Company
MAGGIE MULVIHILL
Boston University
JAMES NEFF
The Philadelphia Inquirer
NORMAN PEARLSTINE
The Los Angeles Times
CAROL ROSENBERG
The New York Times
THOMAS C. RUBIN
Quinn Emanuel
CHARLIE SAVAGE
The New York Times
BEN SMITH
The New York Times
JENNIFER SONDAG
Bloomberg News
ADAM SYMSON
The E.W. Scripps Company
PIERRE THOMAS
ABC News
SAUNDRA TORRY
Freelance
VICKIE WALTON-JAMES
NPR
JUDY WOODRUFF
PBS/The NewsHour

SENIOR ADVISORS

CHIP BOK
Creators Syndicate
TONY MAURO
National Law Journal, ret.
ANDREA MITCHELL
NBC News
PAUL STEIGER
ProPublica

March 31, 2020

The Honorable Katherine Polk Failla
United States District Judge
U.S. District Court, Southern District of New York
40 Foley Square
New York, NY 10007

VIA ECF

Re: *In re Application of the Reporters Committee for Freedom of the Press to Unseal Certain Search Warrant Applications and Related Judicial Documents*, 18-MC-320 (KPF)

Dear Judge Failla,

Petitioner Reporters Committee for Freedom of the Press (“Reporters Committee”) and the U.S. Attorney’s Office for the Southern District of New York (“USAO”) write in response to the Court’s orders dated January 10, 2019, June 18, 2019, August 6, 2019, and January 30, 2020 (Docket Nos. 19, 21, 23, 25), directing the submission of a joint status letter regarding the above-captioned case.

Since the last status update to the Court, the Reporters Committee and the USAO met as planned with representatives of the Office of the Clerk of the Court for the Southern District of New York (the “Clerk’s Office”) on March 2, 2020. The meeting was productive and helped inform the ongoing discussions between the USAO and the Reporters Committee, specifically as they relate to proposed prospective changes to the filing and docketing of magistrate judge (“MJ”) matters in the Southern District of New York to resolve the pending litigation.

Since that meeting, the USAO has informed the Reporters Committee that, without prejudice to the USAO’s right to oppose the validity of the Reporters Committee’s underlying petition in this litigation, it has no objection to public docketing of the following information related to certain sealed filings (while the underlying filings remain sealed) in MJ matters:

- (1) docket/case number;
- (2) the date of filing (e.g., the date the initial application was filed and the date any renewal was filed);
- (3) the type of matter; specifically, whether it is a Rule 41/traditional search warrant, SCA search warrant, Section 2703(d), pen register/trap and trace, or nondisclosure order matter (multiple options to be reflected if more than one applies);

(4) the type of target; specifically, whether it is an email account, social media account, electronic device, cloud storage account, server, geo-location information or physical location (multiple options to be reflected if more than one applies); and

(5) the name of the magistrate judge ruling on the filing and/or renewal (if feasible).

It is the understanding of the USAO and the Reporters Committee that the Clerk's Office has met with District stakeholders and has obtained preliminary support for the above proposal.

The Reporters Committee believes that implementation of a real-time docketing system for MJ matters in this District, as outlined above, would be an important and necessary step toward increased transparency. The Reporters Committee and the USAO are continuing to meet and confer in an effort to reach a final resolution of this matter, and anticipate being able to provide a further update to the Court by June 1, 2020.

Accordingly, the Reporters Committee respectfully requests that the stay in this case be extended until June 1, 2020. The Reporters Committee and the USAO will provide a further status update to the Court no later than June 1, 2020.

Respectfully submitted,

/s/ Katie Townsend

Katie Townsend

Counsel for the Reporters Committee

GEOFFREY S. BERMAN

United States Attorney

by: /s/ Janis Echenberg

Janis Echenberg / Anna Skotko

Assistant United States Attorneys

(212) 637-2597 / 1591